

a1

sole ---

Sab B

4. Footwear comprising a sole, a toe cap, and an upper having a unitary one piece molded metatarsal guard therein, said metatarsal guard comprising a convex arch portion over the wearer's instep; a lip integrally molded with said arch portion and overlying the toe cap; and only a single concave right support leg and only a single concave left support leg overlying the sole, said support legs integrally molded with the convex arch and extending on opposite sides of the wearer's foot and bearing against the sole - - -

a2

Remarks

1. Claims 1 and 4 have been amended to overcome the rejection under 35 U.S.C. 112 second paragraph by deletion of the phrases the Examiner believes are vague and indefinite.
2. Claims 1-3 have been amended to overcome the rejection under 35 U.S.C. 102(b) as being clearly anticipated by Hammond. The claims have been amended to distinguish Hammond by reciting that the support legs bear against the sole.
3. Claims 1-6 have been amended to overcome the rejection under 35 U.S.C. 102(b) as being clearly anticipated by Fortin. The claims have been amended to distinguish Fortin by reciting that there is only a single concave right support leg and only a single concave left support leg overlying the sole.
4. Claims 1-6 have been amended to overcome the rejection under 35 U.S.C. 102(b) as being clearly anticipated by Krajcir. The claims have been amended to distinguish Krajcir by reciting that there is only a single concave right support leg and only a single concave left support leg overlying the sole.

It is believed the application is in condition for a Notice of Allowance to issue which action is respectfully requested.

Dated: September 26, 2002

Respectfully submitted,



Milton Wolson
MALINA & WOLSON
60 East 42nd Street
New York, N Y 10165
(212) 986-7410



PATENT VERS ONS WITH MARKINGS TO SHOW CHANGES MADE

RECEIVED

In the Claims:

OCT 01 2002

Claim 1 has been amended as follows:

TECHNOLOGY CENTER R3700

1. A unitary one piece molded metatarsal guard for footwear including a sole and a toe cap, said metatarsal guard comprising:
a convex arch portion over the wearer's instep [extending from the rear of the wearer's toes to the top of the wearer's instep];
a lip integrally molded with said arch portion and overlying [a] the toe cap; and only a single concave right support leg and a single left [edge] support leg[s] overlying [a] the shoe sole, said support legs integrally molded with the convex arch and extending on opposite sides of the wearer's foot and bearing against the sole.

Claim 4 has been amended as follows:

4. Footwear comprising a sole, a toe cap, and an upper having a unitary one piece molded metatarsal guard therein, said metatarsal guard comprising a convex arch portion over the wearer's instep [extending from the rear of the wearer's toes to the top of the wearer's instep];
a lip integrally molded with said arch portion and overlying the toe cap; and only a single concave right support leg and only a single left support leg[s] overlying the sole, said support legs integrally molded with the convex arch and extending on opposite sides of the wearer's foot and bearing against the sole.